

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:04-CR-39-1H

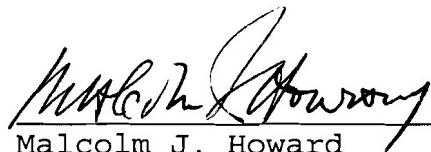
UNITED STATES OF AMERICA)
)
)
v.)
)
)
ANTONIO DAVIS,) **ORDER**
)
)
Defendant.)
)

This matter is before the court on defendant's motion for return of property. The government has responded, and this matter is ripe for adjudication.

In his motion, defendant claims that at the time of his arrest on state charges in December 2002, approximately \$2,800.00 was seized by the arresting officer, a trooper with the North Carolina State Highway Patrol. The government states, in its response, that a thorough search of its records, including the files of the Bureau of Alcohol, Tobacco, Firearms and Explosives, demonstrates no record of such a seizure. The defendant is correct that the government sought no forfeiture in this matter. Accordingly, the government has no property that can be lawfully returned to the defendant. Therefore, defendant's motion for return of property [DE #49] is DENIED.

To the extent the defendant argues that local officials in Pamlico County, North Carolina may have any other property, defendant must pursue those claims with those authorities or within the courts of the State of North Carolina, not the federal courts. The motion for return of property [DE #79] is DENIED.

This 10th day of May 2011.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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